

**RECEIVED
CENTRAL FAX CENTER****APR 25 2007****IMPORTANT CONFIDENTIALITY NOTICE**

The documents accompanying this telecopy transmission contain confidential information belonging to the sender which is legally protected. The information is intended only for the use of the individual or entity named below. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited. If you have received this telecopy in error, please immediately notify us by telephone (collect) to arrange for return of the telecopied document to us.

TO: Examiner Fred O. Ferris III - Group Art Unit 2128 - U.S.P.T.O.

Fax No. 571-273-8300

Phone No. 571-272-3778

FROM: Donita Konrad (Typed or printed name of person signing Certificate)

Fax No. 513-634-6108

Phone No. 513-634-9298

Application No.: 09/848,520

Inventor(s): Eric C. Berg et al.

Filed: May 3, 2001

Docket No.: 8070ML\$

Confirmation No.: 7535

FACSIMILE TRANSMITTAL SHEET AND**CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. §1.8**

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on April 25, 2007, to the above-identified facsimile number.

Donita Konrad (Signature)

Listed below are the item(s) being submitted with this Certificate of Transmission:**

- 1) Response to Office Action (4 pgs.)
- 2)
- 3)
- 4)
- 5)

Number of Pages Including this Page: 5

Comments:

****Note:** Each paper must have its own certificate of transmission, OR this certificate must identify each submitted paper.

(FAX-USPTO.doc Revised 11/18/2005)

**RECEIVED
CENTRAL FAX CENTER****APR 25 2007****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No. : 09/848,520
Inventor(s) : Eric C. Berg et al.
Filed : May 3, 2001
Art Unit : 2128
Examiner : Fred O. Ferris III
Docket No. : 8070MLS
Confirmation No. : 7535
Customer No. : 27752
Title : Computer Apparatuses And Processes For Analyzing A
System Having False Start Events

RESPONSE TO OFFICE ACTION

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

This is responsive to the Office Action of January 26, 2007.

Claims 1, 2, 5-7, 9-13, 15, 17-20, and 22 are currently pending. The previous indication of allowable subject matter has been withdrawn in view of the information submitted in the IDS relating to Application Serial No. 09/565,008. The pending claims now stand rejected under 35 U.S.C. Section 102(b).

The Office Action states the pending claims were rejected under 35 U.S.C. Section 102(b) because the invention was said to be in public use or on sale in this country, more than one year prior to the date of application for patent in the United States, "as admitted by the applicants in the IDS filed on November 1, 2004 in Application Number 09/565,008."